THE EXAMINER.

No. 31. SUNDAY, JULY 31, 1808.

THE POLITICAL EXAMINER.

Party is the madness of many for the gain of a few.
SWIFT.

No. 31.

THE APPROACHING DOWNFAL OF THE POPE.

The papal power is about to receive it's last blow. No miracles attend it's dissolution; there is not a single supernatural event, so common in old times, to prepare men for the great change. The relics, the images, the pictures, are all quiet. Not a single crucifix protests against the measure; not a Holy Virgin weeps in oils; not a Saint turns pale in the rubric. The *Chapel of Loretto*, which we all know emigrated from Palestine, and "travelled two thousand German leagues over land and sea, granting that it sometimes stopped to bait," has given no opinion on the matter; and even *Our Lady of the Pillar*, who, according to the Spaniards, is so zealous against the irreligious French, has not stirred an inch from her column, nay has not even winked her eyes, a circumstance highly surprising in an image of any vivacity.—Neither does there appear any symptom of the fulfilment of those various great prophecies, which have shaken the church in all ages: it is neither the Mahometan power, nor the doctrine of Calvin, nor the Devil himself, and certainly not an angel, which threatens the Pope with annihilation. A mere matter of state and a dispute about a cockade precede the downfal of the Holy Father; and a man named Bonaparte, whom nobody knew about twenty years ago, a little Lieutenant of Engineers, is the person who holds annihilation over his head.

Indeed, the most extraordinary circumstance in this proceeding is, that Napoleon should have thought proper to extinguish the papal power at such a juncture. Probably he supposes that the manifest easiness with which he executes his threat, will undeceive the superstitious Catholics, who have generally confounded invincibility with infallibility; but one would have imagined, that he might have used the Pope to much advantage in his attempt to subdue the Spaniards, who are the most superstitious of all the Catholics. The best mode of accounting for his behaviour is, that he reckoned upon the entire submission of his Holiness to the offensive and defensive alliance, which would of course have sent the thunders of excommunication upon the Spaniards who have revolted against an Emperor so peculiarly the Lord's anointed. This very revolt however and the vile treatment of the Spaniards, who have always been the dearest sons of the Romish church, have no doubt had their effect in rousing the Pope to his present high spirit. It is easy to see, at any rate, that the Emperor has not manifested his usual policy in being so hasty with Spain, and so unconciliating with the Holy Father. His violent temper, luckily or unluckily for the world, is always the cause of his mismanagement. He evidently wants Talleyrand again, for he himself is but half a Frenchman and cannot smile enough before he strikes. He is all tyger. His very satisfaction is gloomy and appalling.

Considering the Pope abstractedly from his religious influence, one cannot help pitying the degradation of an individual, harmless from his weakness and venerable from his years; but no friend of liberty, civil or religious, can wish to see the existence of such a political monster as the papacy. Such an union of spiritual and temporal power is in itself unnatural, and all the world has seen how invariably the earthly overcame the heavenly character of the Popes. The power derived from their spiritual authority merely tended to attach them more strongly to temporal oppression; the situation of "God upon earth" turned the poor priest's head, as well it might the head of any man; and we generally find that these Gods upon earth, from Alexander the son of Jupiter-Ammon down to the Sultan and the Pope, have become something worse, in proportion as they became something greater than men. The great phenomenon of papacy was, that with all it's powerful predominance it existed entirely upon human opinion; it's possessions were always small; it's soldiers, who have been so famous for mounting guard with umbrellas, were more for shew than for use, as the present Pope acknowledges with so much simplicity; and yet this apparent contempt of earthly means was one great preservation of it's earthly power. Europe beheld with awe a mighty power literally controuling it's Princes with a nod, and the Christians forgot that they were worshipping an idol, which ruled them at it's pleasure while it existed at theirs. It is humiliating to human nature to think of the adoration which has been paid to the greatest villains upon earth in the shape of Popes, and in this we may see the little necessity which the superstitious feel to honour their Deity, provided he can make them fear him. The Papists worshipped his Holiness just as the modern Methodists worship their own God, on account of his power and infallibility: as to justice, or universal love, or parental tenderness for all his child-

ren, the unhappy subjects at a distance were humbly taught not to hope for them, and the favourites near him did not care for them. It was in vain that the Popes practised all kinds of vices; in was in vain that the Holy Fathers became very unholy fathers; it was in vain that the hill of the Vatican became a second Mount Olympus, with it's nectar, it's music, and it's Venuses; in short it was in vain that the modern Gods led quite as scandalous lives as the ancient, and that wherever they carried their sacred presence, whether in Italy or France, whether at Rome or Avignon, their example contaminated their worshippers. The very schism of Luther, though it deprived them of one portion of their subjects, gave an additional zeal to the loyalty of all the rest in furnishing matter for angry controversy, and if the phlegmatic Germans were scandalized at the sale of indulgencies, the French and Italians with a piety proportionate to their climate and passions, merely seemed to grow more attached to a father so indulgent. It remained for more calm enquirers than either Luther or Calvin to give a decided ill character to the Popedom, and if the Pope once existed on the mere opinion of Europe, we now see how easily his power would change with that opinion. The times indeed are past, when the Pope, the Emperor, and the Ecclesiastics (mark the gradation) were compared to the sun, moon, and stars; the times are past, when one Emperor held the stirrup while the Pope mounted his mule; and when Gregory the Seventh made another Emperor wait three days in the court-yard of the Vatican, clothed in sackcloth, and groaning for pardon. It is curious too, that the later Popes themselves by their very virtues should have hastened their own downfal: but tyranny over human minds is incompatible with the liberal qualities, and in proportion as the Popes became more like good and wise men they certainly became less like the Gods both in deed and in power. Benedict and Clement the 14th, (Lambertini and Ganganelli) naturally gave into the liberality while they gave into the literature of the age; and the latter, who was one of the best and wisest of men, and whom the Protestants with a laudable vanity call the Protestant Pope, struck a deadly blow at the papal power in expelling the Jesuits. Ganganelli saw he should so irritate the superstitious Catholics by this measure, that his life would be in danger, and in fact he was poisoned very shortly after. The action must certainly have been very suspicious to the Romish Clergy:—the illustrious Father Paul Sarpi, who detested the papal corruption, had said long before, that the *destruction of the Jesuits was essential*; that *when the Jesuits were ruined, Rome was ruined*; and that *when Rome was ruined, religion would reform of itself*. Ganganelli no doubt knew this saying very well, and I wonder Caraccioli in his life of that great man has not observed the very curious coincidence between the temper and opinions of Clement and Father Paul. I cannot but date the immediate downfal of the Papacy from the expulsion of the Jesuits: they intrigued every where against the Vatican, and when once the people of Europe began to examine the question, they also began to examine the errors of Jesuitry and Papacy too. I need not expatiate upon the rapid advancement of this spirit of inquiry. The death of Ganganelli was soon followed by the French Revolution, which gave the spirit an embodied power. A new prince arises who is about to create himself the head of the Catholic church, and at length the very palace of the Holy Father, who is God's vicar and a God upon earth, is entered at pleasure by a few insolent French soldiers with no other resistance than that of the porter at the gate. Such are the changes of opinion; and an event which would formerly have drawn every pen and sword in Europe is now scarcely noticed by a single journalist.

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FOREIGN INTELLIGENCE.

FRANCE.

Paris, July 14.—On the 7th inst. the Junta at Bayonne held their 12th meeting. It was the day appointed for the acceptance of the new Constitution. In the chamber where they sat were erected a magnificent throne and a richly decorated altar, the service of which was performed by the Archbishop of Burgos. His Majesty, being seated on the throne, delivered the following speech:—

"Gentlemen Deputies—I am desirious of presenting myself in the midst of you previous to your separation from each other. Assembled in consequence of one of the extraordinary events to which all nations in their turn, and at particular conjunctures, are subject, and, in pursuance of the dispositions of the Emperor Napoleon, our illustrious brother, — *your feelings have been those of his age.* The result of these sentiments will be consolidated in the Constitutional Act, which will be forthwith read to you. It will preserve Spain from many tedious broils, which were easily to be foreseen from the disquietude wherewith the nation has been so long agitated. The turbulence which still prevails in some of the provinces will cease, as soon as the Spaniards shall have been apprised that their religion, the integrity and independence of their country, and their dearest rights are secured; as soon as they shall discover the germs of their prosperity in the new institutions—a blessing which the neigbouring nations have not obtained, but at the expence of bloodshed and calamities of various kinds. Were the Spaniards assembled here in one body, all of them, as having the same interests, would be animated with the same sentiments. Then should we not have to bewail the misfortunes of those, who, misled by foreign intrigues, must be subdued by the force of arms. The enemies of the Continent, by the disturbances which they have excited in our country, expect to become the masters of our Colonies. Every honest Spaniard must open his eyes, and all must crowd round the throne. We carry along with us the Act which ascertains the rights and reciprocal duties of the King and the People. If you are disposed to make the same sacrifices with us, then shall Spain be speedily tranquil and happy at home, and just and powerful abroad. To this we solemnly pledge ourselves, in the presence of

God, who reads the hearts of men, and rules them according to his good pleasure, and who never forsakes those who love their country and fear nothing but their own consciences."

The Act of the Constitution was then read, and the Members of the Junta unanimously declared their acceptance of it. The President delivered a short address in answer to the King's speech, after which the several Members took the following oath:—"I swear obedience and fidelity to the King, the Constitution, and the Laws." The Junta then attended his Majesty's levee to pay him their respects. His Majesty gave them the most gracious reception.—His Majesty the King of Spain set out from Bayonne at six in the morning of the 9th inst. on his journey to Madrid. His Majesty the Emperor accompanied him for the first post. On the separation of the two Sovereigns, the King took into his carriage M. d'Azanza, Minister of the Indies, and the Duke del Parque, Captain of the Life Guards. His Majesty entered Spain by Irun, and was expected to reach St. Sebastian's at two o'clock on the same day, the 9th, where he was to remain until the following day. His Majesty has near a hundred carriages in his suite.

The Members of the Junta set off in three divisions; each of which will alternately accompany his Majesty on his journey.

MILITARY PROCEEDINGS IN SPAIN.

Madrid, June 15.

The following intelligence is published by our Government:—

"Gen. Dupont, who commands a corps of the French army, while passing through Andujar on the 24th of May, received information that the enemy of Spain and of France had succeeded in misleading a part of the inhabitants of Lower Andalusia. The disaffected had taken up arms, and had not only formed a union with the Contrabandistas (Smugglers), but had thrown open the prisons and armed the felons. Gen. Dupont had directed his march in the manner in which it is proper to proceed in a friendly country, in order that the inhabitants of those places through which he had to pass might not be too heavily burthened: but in consequence of the information which his Excellency had obtained, he determined to halt, and to concentrate his columns.

"On the 7th of June, the French troops arrived at the Bridge of Alcolea, seized two pieces of artillery which defended it, drove the enemy to the Lauchа, and there took the rest of the artillery. The pursuit of the Rebels lasted until half past eleven, and was continued to the gates of Cordova.

"At three in the morning the French troops made their entrance into that town, which had been retarded by the revolt only about two hours and a half.

"Twelve thousand men, who refused to acknowledge the lawful authority, had assembled at Tudela, and had broken down the bridge. Gen. Lefebvre marched on the 9th towards that point, with a corps of French troops. They passed the Ebro on rafts, with charged bayonets, took possession of the artillery, drove back the rebels from point to point, and completely dispersed them.

"The wretches who had committed all kinds of excesses in Valladolid and its neighbourhood, directed their march, 5000 in number, towards the Rio Pisuerga, in order to secure the passage. On the 12th, Gens. Merle and Lassoles arrived and attacked them. One division began by deploying itself, and four pieces of artillery were brought up, by which the Rebels were quickly put to flight. They left five cannon behind them, besides 2000 muskets, their colours, and all their provisions and ammunition. On the same day the French proceeded on their march towards Valladolid."

Lower Elbe, July 12.

We have received intelligence from Spain to the 20th ult. inclusive, according to which, on the 9th and 10th, Gen. Lasalles had disarmed the city and province of Palencia. On the 11th, at day-break, he broke up for Cabezon, where the rebels, to the number of 12,000 men, with six pieces of cannon, had taken post, under the command of Gen. Cuesta.

Having reconnoitred the position of the rebels, Brigadier-Gen. Sabathier made a rapid march over the bridge under the fire of the enemy, while Gen. Merle took the necessary steps to cut off their retreat to Valladolid. The firing having lasted about half an hour, the insurgents were totally defeated; and, abandoning their artillery, fled in all directions in the greatest disorder, with a loss of 1000 men. The loss of the French is very inconsiderable, consisting only of six killed, and from eight to ten wounded.

The Bishop and the principal Clergy of Valladolid went out to meet the General, to intercede with him for the inhabitants. The French division entered the place amidst a multitude who deserved severe chastisement. They were extremely surprised at the clemency they experienced, and expressed their conviction that the troops of no other nation would have treated them with such magnanimity.

The disarming of the masse was actively proceeded with. About 30 of the most culpable of the insurgents were shot. Some Monks were carried off from each of the cloisters as hostages.

Gen. Lefebvre gave orders to several moveable columns to march towards Tudela, to subdue the inhabitants within a circuit of ten miles, and to bring them back to their allegiance.

The Bishop of Tarragona has delivered up 500 muskets. Several of the Chiefs have made their submission, and espoused the cause of their Monarch.

Subsequent to the action which took place at Tudela on the 8th, Gen. Lefebvre permitted his troops to rest on the 9th, 10th, and 11th. This interval he employed in re-establishing the bridge over the Ebro, and disarming the inhabitants of the environs.

On the 12th, he marched to Alagos. At day-break of the 13th, he discovered on the heights an army of insurgents, who were commanded by Palafox, the Commander in Chief of Saragossa. Gen. Lefebvre immediately formed his troops in columns, and ordered them to advance. The insurgents were supported by two batteries, of six pieces of artillery each.

Gen. Lefebvre proceeded in person, with his cavalry and a company of light troops, to take the insurgents in flank. They made one discharge before he approached them within reach of musket-shot, and fled, leaving behind their artillery, and throwing away their muskets in the flight. Upwards of 2000 threw themselves into the Ebro and were drowned. The Polish chasseurs conducted themselves with great bravery. Many of them swam across the Ebro, to cut off a column of the insurgents. Four Polish soldiers were killed, and one Captain was drowned. The total loss of the French, on this occasion, consisted in four killed and nine wounded.

After the affair of Alagos, Gen. Lefebvre continued his march. On the 14th, he came up with a considerable body of the rebels of Saragossa, whom he instantly attacked and defeated with the loss of 300 men and two pieces of cannon. After gaining this advantage, he continued his march towards the city.

Gen. Dupont, on reaching Alcola in Andalusia, on the 7th inst. came in sight of the insurgents who were under the command of Don Pedro Etcheurri. He charged across the bridge, attacked the insurgents, and routed them with the loss of all their artillery, consisting of six pieces of cannon.

The numbers of the enemy were very great, but they were dispersed like clouds of dust: and at eleven of the same day, Gen. Dupont entered Cordova, so that his march towards that city scarcely experienced a delay of two hours from the insurgents.

The Magistrates and principal inhabitants of Valladolid were exposed to the most dreadful sufferings, while that city remained in possession of the rebels. They erected a gibbet under the Capt.-Gen. La Cuesta's windows, in order to compel him by terror to place himself at their head.

Gen. Cevallos, on his arrival from Segovia at Valladolid, was put to death by the enraged populace. His head was stuck on a pike, and carried in procession through the city, after which it was tossed about the streets.

The general disarming was carried on without intermission; and all the people in that quarter were returning to their duty.

After the affair of Alagos, General Lefebvre continued his march; and on the 16th he arrived in front of the gates of Saragossa. He made himself master of the entrenchments which the insurgents had thrown up, on the piece of ground which was formerly covered with olive trees, carried off the 18 pieces of artillery by which they were defended, and got possession of the middle gate.

The greatest anarchy prevailed in the city. On the 17th and 18th, various negociations took place with the insurgents. General Lefebvre intended to remain for some time in the position which he had taken, in order to prevent the well-affected inhabitants from being exposed to the horrors of an assault; and it was supposed that his expectations of the happy result of this measure would not be disappointed.

Marshal Moncey left Cuenza on the 16th, and was directing his march towards Regnera. General Lefebvre was marching towards Alvacette, in the kingdom of Murcia. General Wredel was advancing into the kingdom of Grenada.

The Prince of Castel Franco, the Councillor of Castile Don Ignaz Martinez de Villela, and the Alcaide Don Louis Marcellin Pereijra, had returned from their journey into Aragon. They made a report to his Majesty on the subject of their mission, assuring him that the *orderly* classes of the inhabitants had conducted themselves in the most satisfactory manner; but that it was impossible to open a correspondence with the insurgents, as they had returned no answer to any of their letters. General Lefebvre also had a conference with him on the 20th. The Emperor gave orders that every effort should be made to open the eyes of the insurgents, before the city of Saragossa should be exposed to all the horrors of an assault, which would inevitably be attended with the destruction of a great number of well-disposed people.

Marshal Bessieres had tried every means which clemency could suggest to bring the mountaineers to a sense of their duty, but they had sent him no answer. The Archbishop of Burgos had also written to them, and addressed them in a canonical letter, but these applications having been equally unavailing, the Marshal found himself compelled to resort to forcible means.

General Ducos marched against the Escudo, and General Merle to attack the narrow passes in the mountains of Reijnora. The insurgents were routed before they could make more than one discharge, leaving on the field four 18-pounders, and several hundreds killed.

On the 21st, the corps under both these Generals which had formed a junction, approached St. Andero. The city made proposals to surrender, in order to prevent an assault.

BAYONNE, JULY 1.—His Catholic Majesty has made the following appointments:—

MINISTERS.—Their Excellencies Don Louis Mariano de Urquijo, Secretary of State; Don Pedro Cevallos, Minister for Foreign Affairs; Don Michael Joseph de Azanza, Minister for the Indies; Admiral Don Joseph Massaredo, Minister of the Marine; General Don Gonzalo O'Farrill, Minister of War; Don Gaspar Melchor de Jovellanos, Minister of the Interior; Count Cabarrus, Minister of Finance; and Sebastian Pinuela, Minister of Justice.

CAPTAINS OF THE BODY GUARDS.—Their Excellencies Duke del Parque, Grandee of Spain; Duke de St. Germain, Grandee of Spain.

COLONELS OF GUARDS.—Their Excellencies Duke de L'Infantado, Colonel of the Spanish Guards; Prince Castel Franco, Colonel of the Walloon Guards; Marquis D'Ariz, Great Chamberlain; Duke de Hijar, Grand Master of the Ceremonies; Count Ferdinand Nunes, Grand Huntsman; Count Santa Coloma, Chamberlain.—(All Grandees of Spain.)

SPAIN.

[*FROM THE PATRIOTIC PAPERS.*]

Extraordinary Gazette of Saragossa, July 3, 1808.

The day before yesterday, the 1st instant, at midnight, the French army encamped in the environs of this capital, began to bombard the town, and continued the bombardment until the evening of the following day; during which time upwards of 1400 bombs and shells were thrown into the place. The French cavalry and infantry attacked some of the gates; but the heroic valour of the inhabitants and troops of the line succeeded in destroying, by a well-directed fire, which was kept up with uncommon briskness, all who came within the range of their guns. The neighbouring fields were strewed with the dead bodies of the French. The Patriots bravely maintained their post, amidst the numberless bombs and shells which struck their batteries.

In the afternoon of the 1st instant, the attack was contined by the French artillery and foot, but they were also routed with a very considerable loss.

On the 2d instant, at break of day, the attack was renewed at all points, and after having sustained a severe loss, and convinced themselves of the persevering valour of the defenders of this capital, the French troops retreated, after a fire, which lasted 12 hours, without intermission, and proved extremely destructive to their ranks.—The enemy's bombs, shells, and balls, without doing any considerable mischief, merely served to increase the hatred entertained against the enemy, and to remind us of the sacred duties which we owe to our religion, our country, our honour, and our King.

The gallantry displayed by the officers and soldiers, and in particular by the artillerymen, and the officers and troops, who were stationed in the batteries, and points attacked, is beyond all praise. His Excellency the Governor and Captain General, in order to shew how much he feels concerned in rewarding distinguished intrepidity and courage, has directed the different Commanders to send in a list of the officers and soldiers of the regular troops, and the mass who have particularly distinguished themselves, in order to bestow on them, in his Majesty's name, those marks of distinction which their eminent services deserve, and transmit to posterity the names of those worthy defenders of their country. In expectation of these particular and correct returns, he has been pleased for the present to promote Colonel Don Antonio Torres to the rank of Brigadier-General, and appointed Lieut.-Colonel Don Marco de Ponte, of the Volunteers of Saragossa, and Don Domingo Larippa, of the Volunteers of Estremadura, who defended the gates of Postillo and Carmen, Colonels in the army; Captain Don Salvador Cesta, Major of the Corps of Artillery; and Don Geronimo Pineiro, and Don F. Bosete, Ensigns of the same corps, Lieutenants. The two latter arrived in the morning from Barcelona, and without taking the least repose, immediately assumed the command of the batteries of Portillo and Carmen, where

they covered themselves with glory. A great number of arms have fallen into our hands, and in the possession of the French slain in the action, many precious articles were found, of which they had robbed the churches and private houses: we have taken a great number of prisoners of war.

In the town of Exoa, twenty-five of the enemy's cavalry and foot were made prisoners, and brought to this capital.

By an express, which left Valencia on the 30th of June, the pleasing intelligence had been officially received, that the French army, commanded by General Moncey, having approached the same capital on the 28th ultimo, the batteries opened upon them, and kept up for seven hours with such unremitting briskness, that the French were defeated with immense slaughter, and the neighbouring fields were covered with their dead. The remains of their army retreated in the utmost disorder, exhausted with fatigue, and destitute of provisions, with a vast number of wounded, on the road to Madrid, where the main body of the army of Valencia awaits them to cut off the retreat of the few who remain, and put them to the sword, in return for the acts of violence against this capital

STATE PAPERS.

PROCLAMATION.

Bayonne, June 23, 1808.

Joseph, King of Naples and Sicily, to the people of the kingdom of Naples:—

Providence, whose designs are inscrutable, having called us to the throne of Spain and the Indies, we have found ourselves in the cruel predicament of withdrawing ourselves from a people who had so many claims to our attachment, and whose happiness was our most gratifying hope, and the only object of our ambition. He who alone can read the hearts of men, can judge of the sincerity of our sentiments, in opposition to which we have yielded to other impressions, and accepted a kingdom, the government of which has been put into our hands, in virtue of the renunciation of the rights to the Crown of Spain, which our illustrious brother his Majesty the Emperor of the French and King of Italy had acquired.

In this important situation, considering that institutions are alone capable of duration, we reflected, with regret, that your social Constitution was still imperfect, and thought that the further we had removed from you, so much the more incumbent upon us was it to secure your present and future welfare by all the means in our power. For these reasons we have put the last hand to our labours, and fixed the Constitutional Statute upon principles already partially adopted, and which are more conformable to the age in which we live, the mutual relations of the neighbouring States, and the disposition of the nation, which we have employed ourselves to ascertain ever since we were called to rule over it.

His Majesty the Emperor of the French and King of Italy, our illustrious brother, having been pleased to confer upon this Act his powerful guarantee, we are assured, that our hopes with regard to the prosperity of our beloved people of Naples, thus reposing upon his widespread glory, shall not experience disappointment.

CONSTITUTIONAL STATUTE OF THE KINGDOM OF NAPLES AND SICILY.

I. *Of Religion.*—The Catholic, Apostolic, and Romish Religion is the Religion of the State.

II. *Of the Crown.*—The Crown of Naples shall be hereditary, in the right of the male issue, according to primogeniture of birth.

III. *Of the Regency.*—1. The King is a minor till he attains the age of 18 years.—2. In case of the Prince's minority, the regency will by right devolve upon the Queen; and in her absence, to a Prince of the blood royal, who shall be chosen by the Emperor of the French, in his capacity as head of the Imperial Family; and in failure thereof of a Prince of the blood, the choice will devolve upon the nation.—3. The yearly salary of the Regency is confined to a fourth of the grant of the Crown. —4. The education of the minor King is entrusted to his mother, and in her absence, to the Prince nominated by the predecessor of the minor.

[The remaining articles relate to the Officers of the Crown, the Council of State, &c. The article respecting the Parliament confines the number of members to 100, who are to be divided into five classes, viz. the Ecclesiastics, the Nobles, the holders of landed property, the learned, and the merchants.]

NOTE.

Rome, April 7, 1803.

"This morning, at six o'clock, a French detachment appeared at the gate of his Holiness's Palace, and the porter on duty having intimated to the Officer who commanded it, that he could not permit armed persons to enter, but that if he was desirous of coming in by himself, he would not prevent him, the latter appeared satisfied. He ordered the troops to halt, and to fall back some paces. The porter then opened the wicket, and allowed the officer to enter.

"But he was hardly on the threshold when he made a signal to the soldiers, who immediately rushed forward and presented their bayonets to the porter's breast.

"After having gained admission by such deceit and violence, the soldiers pushed forward to the guard-room of the Miltia of Campidoglio, in the interior of the Palace, immediately broke open the doors, and seized the muskets with which this Militia were accustomed to mount guard in one of the anti-chambers of his Holiness.

"With equal violence the French troops rushed to the quarters of his Holiness's Noble Guard, and seized the carbines which they made use of when they mounted guard in the apartment next to that of his Holiness.

"A French Officer then addressed the Captain of the Swiss Guards, and told him, as well as the few soldiers there assembled, that from that day the Swiss Guards were to receive their orders from the French General; to which they would not consent.

"The same order was communicated to the Commander of the stationary guard, on duty at the barriers, who also refused to acknowledge it, and was in consequence immediately sent to the Castle.

"In the mean time different French detachments scoured the town, and arrested and carried to the Castle all the Noble Guards, even including their Commander.

"The Holy Father, apprised of these horrid outrages, overwhelmed by the grief which they have produced, has expressly ordered the undersigned to protest strongly against them, and to declare frankly to your illustrious Lordship, that each day adds to the measure of the insults which are pouring on his sacred person, and that he is every day more and more deprived of his rights as a Sovereign.

"It was not sufficient for the French army to signalize its entrance into Rome by planting cannon against the palace of his Holiness, and offering such unworthy violation to his residence, but it has added to this violence, by forcing the Swiss guard, and entering with arms into the peaceable abode of the Sovereign Pontiff, rudely bursting open the doors, and seizing the arms rather intended for the honour than the defence of his sacred person, arresting his guards, and, in short, depriving him, by these violent measures, not only of his guards, but even his honour.

"His Holiness requires, in the first place, that all the individuals of his guard who have been imprisoned without any reason, and contrary to every principle of right, be liberated; and he afterwards declares solemnly, that

to all these outrages he only opposes and will oppose patience, and, during the time such treatment may continue, that meekness of which his Heavenly Master has left him an example. His long imprisonment and the injustice which he has experienced, have made him a spectacle to the world, to angels, and to men. He awaits with resignation, but with an unshaken firmness in his principles, all that violence can attempt against the Head of the Catholic Church, well assured that any humiliation he may receive will turn to the glory of religion itself.

"Such, precisely, are the sentiments which his Holiness commands me to express to your illustrious Lordship. He renews to your Highness the assurances, &c.

"P. Cardinal GABRIELLI."

"To M. Lefebvre, French Charge d'Affaires."

[Here follows a Note from Cardinal Gabrielli, explaining the cause which occasioned the alteration of the cockade worn by the Papal troops, which the French had considered as a signal for revolution.]

NOTE FROM HIS EXCELLENCY M. DE CHAMPAGNY, TO HIS EXCELLENCY CARDINAL CAPRARA.

The undersigned Minister for Foreign Affairs to his Majesty, the Emperor of the French and King of Italy, has laid before his Majesty the Note of his Excellency, Cardinal Caprara, and is directed to return the following answer:—

"The Emperor cannot recognize the principle that Prelates are not subjects of the Sovereign under whose dominion they were born.

"As to the second question, the proposition from which the Emperor will not depart is, that all Italy, Rome, Naples, and Milan, shall make an offensive and defensive league, in order to keep that Peninsula free from disorder and war.

"If the Holy Father accedes to this proposition, every thing is settled. If he refuses, he announces by that determination that he does not wish for any arrangement, any peace with the Emperor, and that he declares war. The first result of war is conquest, and the first result of conquest is a change of Government. If the Emperor is forced to be at war with Rome, will he not in making it change the Government, and establish another which will make common cause with the kingdoms of Italy and Naples against the common enemy. What guarantee would there be for the tranquillity and security of Italy, if those two kingdoms were to be separated by a state where their enemies might continually calculate upon a certain point of assemblage?

"These changes, rendered necessary if the Holy Father persists in his refusal, will not affect his spiritual rights, he will continue to be Bishop of Rome, as his predecessors were during eight centuries, and under Charlemagne. It will be, however, to his Majesty a subject of grief to see imprudence, obstinacy, and blindness, destroy the work of genius and of enlightened policy.

"At the moment when the undersigned received orders to deliver this answer to Cardinal Caprara, he received the Note which his Eminence did him the honour to address to him on the 30th of March. This Note has two objects, the first to announce the cessation of the powers of the Holy See, which is notified contrary to ordinary forms and usages, and on the eve of the holy week, a time when the Court of Rome, if it were animated by a true evangelical spirit, would have thought it its duty to multiply spiritual succours, and to preach and shew by its example union amongst the faithful. Although (the Holy Father having withdrawn the powers of his Eminence) [illegible] can no longer recognize him as Legate, the [illegible] its doctrine, in all its integrity, [illegible] will continue to preserve in France [illegible] cause which to be respected and [illegible] the glory of the Emperor.

"The second object of the Note of his Eminence Cardinal Caprara is to demand his passports as Ambassador. The undersigned has the honour to address them to him. His Majesty sees with regret this formal demand for passports, of which the use in modern times is to make a declaration of war. Rome is therefore at war with France, and in this state of things his Majesty has issued the necessary orders for the restoration of the tranquillity of Italy. The Court of Rome in this conduct, and in chusing for this rupture a time when it might have believed its arms more powerful, may have been induced to look forward to other extremities; but the enlightened state of the age will arrest their effect. Temporal and spiritual power are no longer confounded; the royal dignity consecrated by God is above all attack.

"The undersigned hopes that the observations which he has received orders to transmit to his Eminence Cardinal Caprara, may determine the Holy See to accede to the propositions of his Majesty. He has the honour to renew to his Eminence the assurances of his highest consideration.

"*Paris, April* 8, 1808. "CHAMPAGNY."

IRELAND.

DUBLIN, JULY 22.—An unanimous address was voted yesterday in the Common Council to his Majesty, applauding his assistance to the Spaniards, and expressing a hope that that gallant nation would preserve their rights, liberties, and religion, against an unprincipled Usurper.

A desperate attack was made on Wednesday night, between eleven and twelve o'clock, by seven or eight ruffians, on the Limerick mail coach, on its way to this city, near Cherryfield-hill, between Monasterevan and Kildare: two of them suddenly darted from the ditches and seized the leaders, while a third laid hold of one of the wheel-horses; in this situation the coachman, with great spirit and judgment, drove on, and ran purposely so near the ditch that the villains were forced to let go their hold; at that moment a fourth came forward with a presented pistol to one of the guards, who, anticipating his intention, instantly fired and shot him; the horses, being in excellent condition, galloped forward, when a shot was fired, which slightly wounded one of the guards in the back: the coach then proceeded on its journey, and soon met another party of four persons, who, however, were deterred from the great rate at which the coach proceeded to give it further interruption.

SCOTLAND.

GLASGOW, JULY 22.—The execution of *J. Gilchrist*, for the murder of his wife, took place on Wednesday, on the platform erected in front of the Tolbooth here.—This unfortunate man died as he had lived, solemnly declaring his innocence of the crime for which he was to suffer. Soon after one o'clock, he was attended in his room by the Rev. Mr. M'Lean, of Gorbals, Mr. Brodie, of Dovehill, and Mr. M'Donald, of Edinburgh. They conversed with him for some time, in the course of which he repeated his declaration of innocence in the strongest terms. Taking up one of the books lying beside him on the bench on which he sat, and holding it before Mr. M'Lean, he said, "I am as innocent of the crime for which I am to suffer as that book is;" then rising from his seat and going to the window of his room, he poured out some small beer or porter from a bottle into a tumbler, and turning round before he drank it, said, "I never did any injury in my life to any man." This gave Mr. M'Lean occasion to observe, that such a declaration would certainly not bear an unqualified interpretation; for we might unintentionally and unknowingly injure our neighbour; every thing wrong in our behaviour gave him a bad precedent, and we might

thus injure him by our bad example. He then explained and said, that by injury he meant *violence.* Just as Mr. M'Lean had finished, Mr. Gardner, the jailor, came into the room, to tell James that it was the time, and it was an unpleasant part of his duty to add, that he must allow himself to be bound. He expressed his ready acquiescence, and, before leaving the room, requested, that in any future devotions, none of the Clergymen should say any thing that looked like suspicion of his guilt, or doubt of his veracity in declaring his innocence. This seemed to refer to a sentence in Mr. M'Lean's prayer, in which he had alluded to the embarrassment and perplexity which the most candid mind must feel, in considering the judgment of an upright Court, as set in opposition to his positive and continued declarations of innocence. The Clergyman gently hinted to him, that it was not their province to decide on the one or the other, but to take them precisely as they stood.

What passed in the Hall may be summed up in a few words. After part of a psalm was sung, James asked for a glass of wine from Mr. Gardner. When the first prayer was finished he requested the attention of all present, and in a clear audible voice, " called the Lord Provost, and all who heard him, to witness at the Tribunal of God, that he was innocent of the crime for which he was to suffer." After the second prayer, the Lord Provost told him, that he might still have a little time longer. He replied, " I am ignorant of this place—I am ready—I go as a sheep to the slaughter." The Lord Provost then suggested that Mr. M'Donald might pray with him. James expressed his satisfaction. The third prayer being over, Mr. M'Lean requested James would excuse him from going to the scaffold, to which he readily consented. Before leaving the Hall, he repeatedly declared his innocence. His last words to the Lord Provost were, " My Lord, you are parting with an innocent man."—He appeared on the scaffold at a quarter after three precisely, decently dressed in black. There he acted just as he had done in the Hall, calling attention and declaring his innocence almost in the same words. Indeed, before he left the Hall, he said, he thought it was his duty to do so, as it might be the means of saving some other innocent man, and asked permission from the Lord Provost to speak to this effect: after singing two portions of the 51st and 102d psalms, both selected by James himself, and which he sung with a clear and steady voice, he, with the most astonishing firmness and composure, mounted the platform, and at 20 minutes past three, was launched into eternity: after hanging about half an hour, he was cut down, and his body sent to the Professor of Anatomy for dissection. The immense multitude assembled to witness this sad and awful spectacle, powerfully demonstrates the mildness and benignity of the laws of this happy land. While in many countries, capital punishments are so frequent, as scarcely to attract the attention of the passing traveller or bystander, they so rarely occur in this quarter of the globe, as universally to gather the inhabitants far and near. Such was the case on Wednesday. To the east, south, and west, as far almost as the eye could reach, the streets and windows were lined with all ranks, sexes, and ages. Never indeed do we recollect observing a greater concourse of people assembled on any similar occasion.

[Our readers will recollect the trial of this unfortunate man, which was given in the EXAMINER at length, about six weeks ago. It was an interesting case, and it appeared to many (though the whole Court seemed of opinion that the fact of the murder was proved) there was not sufficient evidence of his guilt.]

PROVINCIAL INTELLIGENCE.

A plain stone in Carmarthen church-yard covers the remains of the once celebrated Sir R. Steele, whose house nthat town is now converted into the Ivy Bush Inn.

As the coach which runs from Tunbridge to London was on its journey, on Friday se'nnight, with a great many passengers, the leaders took fright at a dog which jumped over a hedge at the moment they were passing. The animals immediately set off at full speed; and the coachman, who was also the proprietor, and had driven the stage for 15 years, broke the reins in endeavouring to restrain the impetuosity of his horses; they ran at random for a considerable distance, when the coach overturned with violence, and was dashed to pieces. Many of the passengers were very much injured, several with fractured limbs; and the coachman, in endeavouring to extricate the horses from their harness, received a violent kick from one of them, which killed him on the spot.

ASSIZES.

COLONEL T. R. POWLETT v. LORD SACKVILLE.

WINCHESTER, JULY 28.—This was an action to recover damages for criminal conversation with the plaintiff's wife—the damages were laid at 5000l.

Mr. Serjeant LENS stated that the plaintiff was an officer residing in Southampton, of distinguished character. He had been the intimate friend of the defendant, who had for ever destroyed his domestic peace. The plaintiff was married in Derbyshire, in September 1795. He was about ten years older than Mrs. Powlett; but the trifling disparity in their respective years never produced the slightest dissatisfaction. Their happiness was not only uninterrupted, but, singular to say, a cloud had never cast a gloom on their mutual affection, until the unfortunate moment arrived which robbed the plaintiff of peace.—Lord Sackville had introduced himself to Mrs. Powlett as the friend of her husband, and he had taken the advantage of the absence of Colonel P. from his town-house in Baker-street, North, and also his country residence at Southampton, to debauch the wife of his friend. It would appear in evidence, that on the 10th of June, the defendant effected his criminal purpose at an inn, at Winchester, while Colonel Powlett was gone on a water party. The facts were too glaring to admit of a doubt, and the Jury, by their verdict, would convince the public, by large damages, of the sense which they entertained of this injury.

The Learned Serjeant then called evidence to prove the marriage of the plaintiff and his wife; also William Demeric, Esq. Thomas Kinsgale, Esq. Mr. William Evans, and the Rev. Mr. Shawland, Gentlemen who had resided in the neighbourhood with the plaintiff, and who had known him and his wife many years; all of whom stated, that they lived in the utmost happiness previous to the act which became the ground of this action.

It was stated in evidence by a servant, that Lord Sackville's visits were frequent, and he seldom came when Mr. Powlett was at home; never remembered but on one occasion being in Hyde-park. Mrs. P. was in her carriage: observed Lord Sackville come to the carriage and made his bow. It was Sunday, and Lord S. said he would call to-morrow. Mrs. Powlett said don't call to-morrow, but on Tuesday, for Col. P. will go to the country. Witness had orders from his mistress not to let in any body but Lord Sackville. On a particular occasion she said, " remember I am at home to nobody to-day but Lord Sackville."—This happened several times.

Mrs. Bell lived at the White Hart two years and an half: remembered that on Friday the 19th June, Mrs. Powlett came to the house. In about a quarter of an hour a chaise came with a Gentleman. She did not know who it was; but since knew it was Lord Sackville. Witness knew Mrs. P. who went up stairs; saw Lord S. walk several times across the hall; witness was desired by her husband to go up stairs; witness went to the attic story first, and returned to the door on 2d floor (No. 4, bedroom); witness knocked gently; the lady answered, witness could not go in; on this witness went to No. 3, the adjoining bed-room, and found it locked, both cham-

bers communicated by inner doors; witness then retired to No. 2, on same floor; witness left the door of No. 2 open, and she could have seen any person pass to and fro; remained half an hour before any thing occurred; witness then went down, and sent the chambermaid Charlotte; after the servant came up, witness waited half an hour. Her attention was then attracted by the door opening, and the lady came out; Mrs. P. asked the chambermaid for a towel from No. 4 door; Mrs. P. stood at the door, and went in; afterwards came out of No. 3 door, and went down stairs; witness attempted to go into No. 4 door, found it locked; she then went into No. 3, and from thence to No. 4; the inner door was open, and she saw shutters closed and one curtain drawn; witness saw a gentleman in the room, who proved to be Lord S. stooping down on the other side of the bed; Mrs. P. was close to witness at this time; the bed was between witness and the gentleman; Lord S. asked what was the matter? witness said nothing. Witness was asked by Mrs. P. whether she would explain herself? said she could not. Witness asked Mrs. P. if there was a gentleman in the room? Mrs. P. said, if witness would say nothing about it, nobody would know it; witness said the servants would know it, and she could not keep it a secret. Lord S. said, "Could nothing be done to recompense them?" Witness made no answer. They both requested, after this, that witness would not mention it; Lord S. then went down stairs; before he went down Mrs. P. was crying, and witness said she would not injure her for the world, if she did not injure herself.

Questioned by JUDGE.—Admitted that the curtains in the room had fallen down next day after witness and her husband made oath before a Magistrate of the facts.

Elizabeth Strickland, Chambermaid at the White Hart inn.—On the 10th of June Mrs. P. came to the house about noon. She went to No. 4, up two pair of stairs. Witness left her there, and about half an hour after received orders from Mrs. Bell, her mistress; went in consequence to No. 2, and remained there half an hour. While she remained with her mistress she did not hear or see any person pass. Mrs. Powlett opened the door, and asked witness to bring her a towel, and when witness brought the towel, she gave it her in the room. Witness wanted to go through the adjoining room, and Mrs. P. prevented her. Said she should not go, for she (Mrs. P.) was doing something. She also said she would go through herself and open the door of No. 3. She did open it. Mrs. Bell then went into No. 3, and witness heard a voice, apparently the voice of a man, say, what is the matter? also heard a woman say, it was the first time she had ever been imprudent. About ten minutes after, saw Lord Sackville go down stairs. Witness admitted, that when the door of No. 3 was opened, she could see the bed-room. Before Mrs. Powlett and the Defendant came to the White Hart, the curtains were never drawn, or the shutters closed; after Mrs. Powlett left the room the curtains were closed and shutters shut of the window opposite the bed.

Here the evidence closed; and after a reply from Mr. GARROW, the Learned Judge summed up, and the Jury found a verdict, 3000l. damages.

At these Assizes, on Thursday, Mr. Goldring, a farmer, had a verdict against him for 200l. for seducing a Miss Phillips, a farmer's daughter.

TUESDAY'S LONDON GAZETTE.

BANKRUPTCY SUPERSEDED.

C. Mears, Stockport, cheesemonger.

BANKRUPTS.

J. Beckwith, Commercial-road, coach-maker, Aug. 2, 6, at Guildhall. Attornies, Messrs. Smith and Henderson, Lemon-street, Goodman's-fields.

T. Biggs, jun. Seend, Wiltshire, cheesedealer, to surrender Aug. 19, 20, Sept. 6, at the King's Arms, Melksham, Attornies, Messrs. Sandys and Horton, Crane-court, Fleet-street, London.

G. Thoper, Linton, Kent, shopkeeper, July 30, Aug. 9, Sept. 6, at Guildhall, London. Attorney, Mr. Aubrey, Took's-court, Cursitor-street, London.

L. J. Leftman, New-street, Bishopsgate-street, merchant, July 30, Aug. 6, Sept. 5, at Guildhall. Attorney, Mr. Jones, Basinghall-street.

J. Smith, Little Pulteney-street, tallow-chandler, July 30, Aug. 6, Sept. 6, at Guildhall. Attorney, Mr. Hughes, Bear-yard, Lincoln's-Inn-fields.

W. Gray, St. John-street, shoemaker, July 30, Aug. 6, Sept. 6, at Guildhall. Attorney, Mr. Selby, Charles-street, Clerkenwell.

G. Harrison and J. Noble-street, hosiers, Aug. 2, 6, Sept. 6, at Guildhall. Attorney, Mr. Wigglesworth, Gray's-Inn-square.

DIVIDENDS.

Aug. 7. Mr. Barber, Lothbury, merchant.—Aug. 16. H. Ward, Curtain-road, Shoreditch, apothecary.—Aug. 23. J. Carruthers, Bristol, grocer.—Nov. 6. R. Jones, Gower-street, Whitechapel, silk-winder.—Aug. 24. J. Foster, Manchester, cotton-spinner.—Aug. 16. R. Loet, Long-acre, ironmonger.—Aug. 48. D. Higgs, Chipping-Sudbury, Gloucestershire, merchant.

SATURDAY'S LONDON GAZETTE.

BANKRUPTCY ENLARGED.

B. Williams and H. Crakenthorp, St. Swithin's-lane, merchants, to Sept. 10, at ten, at Guildhall.

BANKRUPTCY SUPERSEDED.

D. Bloom, Trowse Midgate, Norwich, merchant.

BANKRUPTS.

W. H. Cheek, Manchester, scrivener, to surrender Aug. 2, 16, Sept. 10, at ten, at Guildhall, London. Attorney, Mr. Bousfield, Bouverie-street, Fleet-street.

J. Wing, Stamford, victualler, Aug. 15, 16, Sept. 10, at eleven, at the Swan and Talbot, Stamford. Attorney, Mr. Rediser, Stamford.

T. Gardner, Shoreditch, haberdasher, Aug. 2, 13, Sept. 10, at ten, at Guildhall. Attorney, Mr. Battye, Chancery-lane.

A. Jeffery, Thornford, Dorsetshire, jobber, Aug. 10, 11, Sept. 10, at eleven, at the King's Arms, Sherborne. Attornies, Messrs. Fooks and Woodforde, Sherborne.

T. Turner, Liverpool, cheesemonger, Aug. 18, 19, Sept. 10, at one, at the Globe Tavern, Liverpool. Attorney, Mr. Griffith, Liverpool.

T. Treloar, jun. Penryn, brewer, Aug. 23, 24, at ten, Sept. 10, at eleven, at the Red Lion, Truro. Attorney, Mr. Michell, Truro.

T. Lovell, Shoreditch, baker, Aug. 6, at one, 13, Sept. 10, at nine, at Guildhall. Attornies, Collins and Waller, Spital-square.

J. Craike and J. F. Schwedersky, Newcastle-upon-Tyne, merchants, Aug. 2, 16, Sept. 10, at Guildhall, London. Attornies, Messrs. Bell and Brodrick, Bow-lane, Cheapside.

J. Blaze (Blades), Manchester, dealer, Aug. 9, 13, Sept. 10, at two, at the Bridgewater Arms Inn, Manchester. Attorney, Mr. Hilton, Manchester.

D. Kidd, Berwick-upon-Tweed, linen-draper, Aug. 17, 18, Sept. 10, at eleven, at the Dog Tavern, Deansgate, Manchester. Attorney, Mr. Knight, Manchester.

R. Brindle, Leyland, Lancaster, bleacher, Aug. 18, 19, Sept. 10, at twelve, at the Red Lion, Preston, Lancaster. Attorney, Mr. Dewhurst, Preston.

W. Eyre, St. Columb Major, Cornwall, merchant, Aug. 22, at ten, 23, Sept. 10, at eleven, at the King's Arms, Bodmin. Attorney, Mr. Coode, Bodmin.

J. Pepper, Romford, victualler, Aug. 6, at one, 13, Sept. 10, at nine, at Guildhall, London. Attorney, Mr. Sterry, Romford,

DIVIDENDS.

Aug. 20. J. A. V. Gameau, Albemarle-street, bookseller.—Aug. 13. Geo. Harrison, Globe-street, carpenter,—Sept. 6. S. Hooton and S. Rich, Woodstock-street, merchant-tailors—Aug. 20. J. Norcliff, Robert-town, Yorkshire, clothiers.—Aug. 6. Moses Agar, Austin-Friars, ship-owner,—Aug. 22. J. Pilling, jun. Manchester, alehouse-keeper.—September 2. Ann Taylor, Newent, Gloucestershire, shopkeeper.—Sept. 2, M. Parry, Pontypool, Monmouthshire, shopkeeper.—Aug. 22. J. Forshaw, Preston, Lancashire, linen draper.—Aug. 24.—W. Crofts and J. Manks, Leeds, merchants.—Oct. 29. R. and J. Valentine, Mumford's-court, Milk-street, warehousemen.—Sept 3, J. Knowles, Gwyndw, Anglesea, innholder.—Aug. 25. J. Gibson, Newcastle-upon-Tyne, woollen-draper.—Aug. 27. T. Lockier, Upper Thames-street, merchant,

CERTIFICATES—AUGUST 20.

M. Hodson, Manchester, calico-printer.—D. Eaton, Chatham, taylor.—J. Dods, Commercial Chambers, Minories, ship insurance broker.—W. Potter, Kenton, Devonshire, taylor.

PRICE OF STOCKS YESTERDAY.

Consols ....67⅞ | Red. Ann....89½ | Ommium ..2.

Another LETTER to the ELECTORS of WESTMINSTER will appear next week, together with the 6th ESSAY on METHODISM. The LETTER to "*the Best-bred Man in Europe*," the week following.

THE EXAMINER.

LONDON, JULY 31.

OUR readers will see in the present Paper the various accounts of the French and Spaniards relative to the late battles; they flatly contradict each other, and of course the best mode of discovering the truth is to take something from each. There is a *jeu-d'esprit* attributed to our classical FOREIGN SECRETARY, which very truly says,

The Patriots at Oviedo
Can publish lies as well as we do.

This is as disgraceful to their cause as it was to the French during the revolution; but I am sorry to see, that some persons who exclaimed so vehemently against the French on that occasion, can now applaud the Spaniards with a laugh for the very same thing, and even adduce the French practise as an excuse for it. A Briton should treat a lie with contempt wherever he finds it: it is the cause of the Spaniards that we should applaud, and not either their barbarities or their falsehoods.

The *Eurydice* frigate from Saint Andero has brought in with her a French schooner cut out of St. Sebastian, probably in the very sight of NAPOLEON, by the boats of the *Unicorn*. She was bound for Buenos Ayres with dispatches from JOSEPH BONAPARTE and 3000 stand of arms. This is the second vessel bound for the Spanish colonies which our ships have intercepted.

GENERAL ORDER.

"*Horse-Guards, July* 20, 1808.

"The COMMANDER in CHIEF directs it to be notified, that in consequence of the state of preparation for immediate service, in which the whole Army is at the present moment held, his MAJESTY has been *graciously pleased* to dispense with the use of *QUEUES* until further orders.

"His Royal Highness desires the Commanding Officers of the Regiments will take care that the men's hair is cut close to their necks, in the neatest and most uniform manner, and that their heads are kept perfectly clean, by combing, brushing, and frequently washing them; for the latter essential purpose, it is his MAJESTY's pleasure that a small sponge shall hereafter be added to each man's regimental necessaries.

"By Order of his Royal Highness the Commander in Chief. "H. CALVERT, Adj.-Gen."

These Orders are certainly to be commended for their intentions, and his MAJESTY's gracious pleasure on the subject of pigtails will certainly be felt by every soldier who has "a *head* to feel and a hand to execute." But it is impossible to imagine why this comfortable piece of cleanliness was never ordered before, and especially why it is now ordered for the *present* only. If there is any virtue in hair as in the time of *Samson*, the tail should still dangle, or rather stick out, in all it's valour; but if there is none, if on the contrary it is a very uncomfortable, uncleanly, and useless appendage, why are the soldiery threatened with it again? Positively, to look at that immense incorporation of hair, flour, and pomatum, which bulges out from the neck of a poor little drummer, is enough to make one's head ache: that terrible screw of the hair, which looks as if a giant had twisted it up to wring the penicranium to pieces, is irritability personified: a nervous man, subject to this outrage upon his capillary faculties, must have carried his ill temper behind him in the shape of a *queue*.

It is to be hoped, that while the Commander in Chief is in his present dispensing mood, he will liberate our gallant horse-soldiers from those overwhelming yokes of fur and frippery in the shape of caps and cloaks, which can be like nothing to the wearer but the walking pillory of the Chinese. A poor fellow the other day, to the pity and astonishment of the beholders, rode down the Strand at hot noon in this prison of perspiration. My Readers must excuse me a pun, but a waggish Bishop once explained the phrase of being *clothed with curses as with a garment*, by saying that the wearer had a *habit* of swearing; and if this poor *lost* dragoon is ever strangled with his caps and collars, he may fairly say he had a *habit* of suffocation. For the love of every thing that is snug, sensible, and soldier-like, let these poor fellows have a gaol-delivery. The thing might be easily done by private orders to the respective Colonels, but if the Commander in Chief wishes to enjoy a laudable and proud fame, there can be no possible objection to its public announcement from the Horse Guards, and I have no doubt the ex-

ploit will be mentioned in the future list of Remarkable Occurrences; as thus for instance,

JUNE. A glorious victory over the Dutch.

JULY. The French defeated in Spain.

N. B. About this time pigtails and muff-box caps were left off in the British armies.

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The following Article was published in the early part of the week in the Government Papers, as from authority:—

"Dispatches have been received from Sir T. DYER, dated Benevento, July 16. They contain an account of a battle between the French and Spanish armies, commanded by Generals LASSOLES and CUESTA, on the 14th, at Rio Seco, near Valladolid, which lasted from half-past eight till half-past twelve. The French force consisted of 10,000 infantry, 2000 cavalry and artillery, and a large proportion of cannon; that of the Patriots amounted to 14,000 infantry, with only 800 cavalry, 26 pieces of cannon, and a body of peasantry. The ardour and impetuosity of the new levies in the Patriotic Army were not to be restrained, and consequently they fell in upon the French, and, in the first onset, drove the enemy back, capturing four pieces of cannon, which they spiked. The country, however, being open, and the French being greatly superior in cavalry and artillery, the brave Patriots were unable to maintain the advantage they had gained. They however retreated in good order to Benevento, under cover of the Spanish regiment of carabineers, leaving behind them 13 pieces of cannon; but the French had suffered so desperately in the action, that they were not in a condition to enter Rio Seco till four hours after the battle, and they made no attempt to pursue the Patriots to Benevento, where Gen. CUESTA continued at the date of Sir T. DYER's letter, receiving reinforcements, which would speedily enable him to court another meeting with his adversary, and with every prospect of a different result. It must, however, be admitted, that in the plains of Leon and Castile, the enemy, whilst they maintain a superiority in cavalry and horse artillery, fight with great advantage against raw troops, inadequately equipped. The loss, in killed and wounded, is not mentioned. It was reported that the French General LASSOLES was killed, and his horse was said to have been found without a rider."

Dispatches have been received from Sir A. WELLESLEY, dated off Cape Finisterre, the 21st inst. at which time the Expedition was proceeding to its destination. Sir ARTHUR had landed at Corunna, where he was warmly received by every description of persons.

A Gottenburgh Mail arrived yesterday morning.—An agreement has been entered into with Denmark for the Exchange of Prisoners, which has already been carried into effect. The French, though in the character of Allies, treat Holstein as a conquered country. The report of an Alliance, offensive and defensive, between Russia and Austria, continues.

The Prince of WALES has been attacked by a fit of the Gout. This remorseless visitor of the idle and debauched, it seems has no respect for rank.

The daughter of a respectable Solicitor, in the vicinity of Bedford-square, and who was married about two years since to Mr. B——, a merchant in the City, has within these few days absented herself from her husband's house with a young man, whose name and connections are unknown to the family. The husband has been nearly frantic since the discovery, being left with two infant children, and his conduct towards her has been at all times marked with the greatest attention and respect.

Early on Wednesday morning, the daughter of a Gentleman of large landed property, in the neighbourhood of Chatham, eloped with Captain H. an officer in the army, who was lately quartered in that district. They were soon traced to an Inn in the Borough, from whence they were obliged to make a precipitate retreat. Should they obtain a marriage, the Gentleman will possess a fortune of 25,000l. left to the young Lady in trust, to be paid on her wedding day.

The Vauxhall Silver Cup and Cover was sailed for on Friday by five pleasure boats, and was won by the Mercury, Capt. ASTLEY.

THEATRICAL EXAMINER.

No. 27.

Mr. Colman's new play of The Africans.—It's vigorous interest and excellent contrast of character.—It's misplaced humour.—Will you come to the bower.—Mr. Young's excellent performance well seconded by Messrs. Fawcett and Farley.

HAYMARKET.

THE piece so long expected from Mr. COLMAN was at length produced on Friday under the title of the *Africans*, or *War, Love, and Duty*. The plot possesses a strong simplicity, and is, I believe, new to the stage:—

Three brothers of the Foulah tribe in Africa, support an aged and beloved mother by occupations suited to their different characters. The piece commences with a very judicious display of these characters during the preparation for the marriage of *Selico* the youngest. *Torribal*, the first brother, powerful and sudden in his feelings, and rather given to jealousy, makes some taunting reflections on the approaching wedding, and insinuates that *Selico* should not desert his mother; *Selico*, who seems to be the genius of the family and possesses quite sufficient sentiment for an African, fires with indignation at his raillery, though at the same time he affectionately calls to mind the services he had received from his apparently harsh brother: at that instant, while *Torribal* is relenting, *Maddiboo*, the most volatile and sanguine of the three, bounds in with his fowling piece from an excursion and with a little gay expostulation and raillery quickly restores the usual harmony. In a short time therefore the wedding ceremony commences with the usual fantastic gaieties of savage holiday, when in the midst of the felicity a cry of horror resounds from all quarters, the wedding is broken off in agony, an army of the Mandingo tribe has surprised the town, and in the next scene you behold it in flames. The mother and her three sons fly into a forest, where they are threatened with famine, till *Selico* after leaving her for five days to wander among the slain with whom he thinks he has discovered the dead bodies of his bride and her father, determines in his misery to preserve his mother's life by selling himself as a slave. His brother *Maddiboo*, who with much nature is represented as overwhelmed with an affliction proportioned to his former gaiety, accompanies him to the slave-market, where he finds in despair that he shall get little or nothing for a body comparatively delicate; but in a few minutes, a proclamation is issued from the royal Mandingo conqueror offering a considerable reward in gold-dust for the discovery of a man who the evening before had clandestinely visited the apartment of his favourite slave. *Selico* persuades his miserable brother to take him to the king as this very offender, and he is accordingly condemned to the stake. The last scene is at the place of execution. The

female slave is to be burnt the same time at an opposite stake, she appears, and *Selico* recognizes his lost bride *Berissa*. They fly into each others arms, an action which only more enrages the king, and the piles are about to be lighted when *Berissa's* father rushes forward and proclaims himself the secret visitor; this new aspect of affairs is changed still more by the arrival of *Selico's* frantic mother with her two other sons; the sanguinary prince, to whom every thing is explained, is overpowered by such a display of virtue, the sufferings of War are done away in an instant, and Love and Duty obtain their reward.

I have indulged in this detail, because it will enable the reader to judge of that strong variety of character and incident which renders the present mixed drama superior to any former piece of the kind from Mr. COLMAN'S pen. The brothers are pourtrayed with a distinctness and a nature that easily find their counterpart in society; and I dare say that during the first scene there was scarcely a reflecting person in the audience who did not know the actual likenesses of all three. If *Torribal* is sudden in what touches his passions he is constant in what convinces his reason and his heart; he may be peevish with his brothers when they interfere with his immediate plans, but he always loves them, and he never for an instant deserts his mother. If *Maddiboo* is full of jest and merriment in prosperity, he drops into an equal despondency in affliction; he falls with a force proportionate to his elevation: he thinks nothing of little family tempers which he can reconcile with a joke or a slap on the shoulder, but in real evils he sinks before both his brothers with all the lavish tears of a woman. Lastly, if *Selico* is apt to indulge in too delicate a sensibility, if his happiness flies on too trembling a wing and perpetually hovers over and dips into melancholy, he gradually becomes familiar with sorrow, his sensibility gathers strength from exercise, and he can dart up by a romantic effort into sentiments and exploits beyond the most ambitious virtue. These three characters were exhibited together with very judicious contrast in more than one scene of the play, particularly in their last interview but one. *Selico* with a resolute and enthusiastic despair tells his brothers that he will sell himself as a slave to get money for their famished mother; the project seems to confound them both for an instant with grief and admiration, but *Maddiboo* presently bursts into an agony of tears and offers to be the slave himself, while *Torribal* in his severe thoughtfulness and love of *justice* proposes that they shall *draw lots*. Very little is seen of the mother, but enough to discern the truth and delicacy with which Mr. COLMAN has drawn the maternal character. In the beginning of the play she is full of the happiness of her son's approaching marriage, but her happiness is still that of a delicate female and relieves itself by tears; in the latter part, where she is almost dying with exhaustion and where her son *Torribal* is venting his impatience against his brother for staying so long, she will not hear an angry word from one of her children against the other, but begs him to be patient, and not to give her death-bed that bitterest of all a mothers bitterness, a divided family. In short Mr. COLMAN deserves infinite credit for his family picture; it is drawn with a vigour truly epic. If he has taken his plot, as is said, from a work of M. FLORIAN, he has most likely been under little obligation to an author by no means celebrated for vigour, at least, if it is the same FLORIAN who wrote *Numa Pompilius* and *Estelle*. One of the best pictures of family character in a modern production is to be found in the three brothers of Mr. PRATT'S *Family Secrets*, a work which in spite of the Author's attachment to the prosing marvellous as well as marvellous prosing, really contains much forcible observation of human nature. Mr. COLMAN however in the present play has not entirely got rid of his tendency to declamation. The Foulah priest discourses on goodness with all the dignified common-place of the *Œconomy of Human Life*, and the address of *Selico* at the stake to the Mandingo tyrant is infinitely too long and too logical for an African. The dialogue consists of alternate prose and blank verse, prose for the comic part and blank verse for the serious. Perhaps it is one fault of blank verse, that unless it is in the hands of a truly great poet, it leads the writer to indulge too much in epithets and other ornaments of speech in order to eke out his lines. It is a pity that Mr. COLMAN laid the scene of his story in Africa. These sentiments and great spirits would have appeared to much more advantage in North America, where the warriors are more intelligent, high-spirited, and fond of haranguing than those in the midst of Africa. His persons are excellent as specimens of human character, but certainly not so as specimens of African character. I am afraid also, that the Englishman, whom he has introduced into Africa to enliven the natives, is no very natural personage.—*Mr. Henry Augustus Mug*, who has been enslaved by the Africans in his attempt to collect ivory, is a gentleman best described by identifying him with the stage manner of Mr. LISTON, for whom it was evidently written. He is a harmless coxcomb, given to amorous self-conceits, to complacent expostulations with destiny, and to a habit of recurring to images of familiar life on the most serious occasions. Thus in the midst of a savage nation, whose stupid prejudices and aversions made even the intrepid PARK lead a life of continual anxiety, he is continually raillying the natives with a sort of unconscious insolence: at one minute he is a rank coward, and at the next he stands with the utmost non-chalance amidst a set of uncomprehending blacks with hatchets in their hands. Mr. COLMAN has opened a great fund of low wit in this character. *Henry Augustus* by the chance of war becomes secretary of state to his Mandingo Majesty, and in the gaiety of office undertakes to be very facetious on the manners and complexions of those about him. The good priest he had already saluted by the title of *your Mahogany Holiness*: and one of the King's Officers is called a *Patent Blacking General*. The idea of introducing the most familiar nationalities and recollections of a London citizen into the bosom of Africa is in the true style of Mr. COLMAN'S drollery, which delights in contrasts too violent for genuine wit. When *Mr. Mug* is conversing with the little negress, the audience instantly acknowledge a fund of exquisite meaning in the following question and answer:—

Sutta. Where do you live?

Mug. (Gazing on her with an amiable languishment) On Snow-hill.

All this makes one laugh heartily; but it is certainly *out of it's place* in a drama of any solid pretensions.

The comic songs were by no means so amusing as Mr. COLMAN's are in general. In his serious ones, nothing is expected but the usual gentlemanly passability of a scholar who writes verses; but if Mr. COLMAN threatens us with a humourous ballad, we expect at least a tolerable quantum of convulsions. There was one song which might have gained something beyond what the music gave it, but it was very poorly written. Its burden was a parody on that of Mr. MOORE's well-known song, "Will you come to the bow'r," which has of late given such delicate occasion to the vocal sensibilities of the streets. Instead of

"Will you, will you, will you, will you come to the bow'r--
or, "won't you, won't you"—

It was

"Won't you, won't you, won't you, won't you, come Mr. Mug?"

I do not wonder that any writer, at all liable to temptation, should wish to revenge himself on these seductive minstrels. Only think of a thick screaming oyster wench or an elderly virago with one hand full of ballads, and the other applied as a sounding board to her mouth, begging you to "come to the bow'r, which she's shaded for you," or as they generally cry,

"Will ye come to the bowver," or "the buvver."

The Play was represented with a vigour that few perhaps would have expected had they read it before the performance. Mr. YOUNG represented *Selico*, and it is but justice to say that Mr. FARLEY in *Torribal* and Mr. FAWCETT in *Maddiboo* managed to keep themselves on no unskilful counterpoise with that excellent actor. The true merit of a performer is discovered in a character that has never before been acted, because it can be neither assisted nor injured by actual imitation. Mr. FARLEY shewed considerable feeling, and managed with much skill that peculiar subsiding of the countenance which a man gradually exhibits when he begins to be softened in his anger. I do not remember whether this is the first time I have had occasion to mention Mr. FARLEY, but if he happens to meet with any other such character, I hope it will not be the last. I am convinced, that there is many an actor who would be found capable of twice his apparent power, if he could induce himself to forget his audience and give way to the feelings of a good author. Mr. FAWCETT seemed to adopt this plan to its full extent, and certainly displayed excellent powers of acting in a very difficult part of his task, that of representing a violent *continuation* of grief. It is true his grief became in the end rather huskyish and blubbering, but the feelings of an unsophisticated African may be allowed an indulgence not altogether civilized. Of Mr. YOUNG I shall take the earliest opportunity of speaking more largely. When I saw him last, it was some time ago in *Hamlet*, and he gave me no peculiar idea of his genius, comparatively speaking, in that almost unattainable character. But he seems to me to have improved more in a few months than some of our best actors do all their lives, and luckily, his present appearance was in an original character that provoked no imitation. His performance was altogether elegant, various, and full of accurate feeling. I have no hesitation in saying that ELLISTON would not have performed the part with so *artless* a dignity. His utterance of those words, "I am very wretched" when he sunk exhausted to the ground, was full of a consummate misery. It carried with it that indifference of tone, which when we know the reality of the grief, is more heart-breaking than the most passionate expression. If this gentleman performs during the present week, I shall do myself the pleasure of examining him with more industry.

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FINE ARTS.

In about a fortnight the Gallery of the British Institution will open to the Students with about 20 paintings of the old masters. His MAJESTY, the Patron, who has so eminently promoted the Arts in England, intends to send a painting by *Tintoretto*. The Earl of EGREMONT, Marquis of STAFFORD, and Mr. WEST, have each sent a *Titian*. Of the two latter, the Marquis's is one of the worst, and Mr. WEST's one of the best of that great colourist. We are surprised that a nobleman who has so considerably befriended the Arts, and has their promotion so much at heart, should not send the best instead of the worst *Titian* in his collection for the study of the rising generation of painters, who should imbibe their nourishment in art from the purest sources of genius. There are a few other pictures liable to the same animadversion. The Earls of GROSVENOR and EGREMONT have sent each a fine *Claude*, and Sir G. BEAUMONT a small one. The Earl of CARLISLE, Sir F. BARING, Sir F. HUME, and Mr. ANGERSTEIN, each a *Rubens*. Lady LUCAS and the Earl of CARLISLE, each a *Vandyke*. Lord GRANTHAM and Mr. ELWIN, each a *Velasquez*. Lord KINNAIRD, a *Bramante*. The Rev. Mr. CARR, a *Schidone*. The Earl of EGREMONT, a *Rembrandt*.

The equestrian statue in bronze of WILLIAM III. confers an aspect of dignity on St. James's-square. It is, on the whole, in Mr. BACON's usual style of taste and justness of proportion in the parts, though we think the horse's flanks a little too narrow. This is more conspicuous from the quantity of drapery above. The strips of hair which break the continuity of outline in the tail form unpleasant angles. For the general composition it much resembles the statue of the arbitrary and unfortunate CHARLES I. at Charing-cross; but the legs hang easier than in that, as they are not stiffened by stirrups. The Monarch's head, erect attitude, and extended arm, have a bold expression, and the chief object is eminently attained, that of impressing the general idea of his decisive and commanding character.

We have lately seen some specimens of a work on the plan of *Quarle's Emblems*, intended to display the highest attainment of Wood Engraving—an object which it has certainly accomplished. Nothing, indeed, can exceed these specimens in richness, sweetness, and delicacy of tint, or in beauty and accuracy of delineation. The literary part of this publication, as well as the conduct and superintendance of the whole, has been undertaken by the Rev. JOSEPH THOMAS, of Abele Grove, Epsom, a gentleman well known *not only* for *taste* but *liberality*,—not merely as an amateur in art, but as a patron and friend to *living Artists*. It will be an additional gratification to those who purchase this work (and all will purchase it who are in the habit of collecting what is really good in every department of the art), to know that Mr. THOMAS purposes the whole of the emolument accruing from its sale to be

emolument to the *Artists* engaged in the undertaking:—in this respect it will essentially differ from the generality of such publications, in which the Artist either encounters responsibility beyond the prospect of remuneration, or labours for the publisher and public rather than for himself.

The "Quarterly Review of the Works of Art" is a periodical publication which appears to be much less known than its merit deserves. Its critical acumen and elegant style prove its Editor to be a master in Criticism.

Mr. BLAKE's edition of BLAIR's *Grave* shall be noticed in our next.

R. H.

VIOLATION OF PUBLIC DECENCY.

TO THE EDITOR OF THE EXAMINER.

SIR—The political venality of most of the daily newspapers is not more notorious and barefaced than their contempt of morality. Indeed, it is not too much to say that they are the panders to sensuality.—Like the wanton, whose meretricious beauty is made more seductive by the allurement of a transparent covering, they exhibit their indecencies through the web of double meaning and sprightly bon mot. But their most flagrant audacity is the style in which they report the frequent trials for adultery. They scruple not to lay open all the indecent evidence which necessarily transpires in the Court, with an unblushing and remorseless attention to the minutest circumstance of sensual depravity. Not content with feeding the salaciousness of their readers by this accurate detail of lewdness, they are even at the pains of exercising a peculiar ingenuity by throwing them into the more agreeable form of a drama, and the genius of comedy is prostituted in their obscene service in the following manner:—

Act 1. Dressing scene.—Act 2. Garden scene.—Act 3. Bedchamber scene.—Act 4. Kissing scene.—Act 5. Scene 1. The Parlour.—Scene 2. The Alcove.—Scene 3. The Escape.

Thus, Sir, is the statement of indecent facts rendered more subversive of morals by the sportiveness with which it is made. Libertinism is encouraged by the levity of the communications. By their frequent perusal, the fortress of virtue is gradually undermined, and the triumph of licentiousness established. Familiarised to such gay indecencies of narration, those sentiments of religion and morality are by degrees annihilated, which are the only checks to the natural propensities to unhallowed indulgence. Yet these flagitious Editors affect to be the champions of patriotism, the vindicators of those exalted principles which guard a nation's glory and happiness. Yes, these writers are the guardians of our Constitution, the conservators of our political liberty, the champions of public virtue! I feel indignant, Mr. Editor, at their impudent pretensions, and am gratified in the indulgence of a glowing and just resentment at ignorance and presumption, in the confidence that you will assist to hold them up to the contempt of society. Public liberty and happiness can be the result only of public virtue growing out of the purity of individuals. Corrupt the morals of these, and you contaminate the springs out of which gushes the sublime ocean of national grandeur and virtue. It is to the licentiousness of private character chiefly that so many men are found to be *patriots* before the public eye, but *slaves* in their hearts, and traitors to their country. It is indeed ridiculous to conceive a gambler or a debauchee to be a PUBLICOLA, a BRUTUS, a HAMPDEN, or a CHATHAM.

July 28. ROBERTUS.

LAW.

COURT OF KING'S BENCH.

Monday, July 25.

SIR JOHN CARR *v.* HOOD AND ANOTHER.

This was an action for a libel brought by Sir John Carr, the author of several tours, against the defendants, who were the publishers of a work called, "My Pocket-Book;" in consequence of which work, he had been prevented from selling a Tour in Scotland, which he had prepared, to Sir Richard Phillips, Knt. for the sum of 600l.

Mr. GARROW said, that it had been very much the fashion of late years to issue monthly from the press, Reviews of the different publications which had newly made their appearance, in which critics who were unknown were often seen attacking authors who were well known; and certainly if these Reviews were conducted on fair and liberal grounds, they were of essential service to literature. It was not, however, of a Review that the author, who was his client, was complaining: Sir John Carr was as open as any man to candid criticism, and as little likely to take umbrage at it. But when a malignant author, under the mask of criticism, issued forth a whole book, full of immoderate ridicule, the Learned Counsel then thought it was time to complain, and it was of this enormity that his client did complain. The work in question was, as would be proved, written not in the fair spirit of a Review, but with a malicious intention to destroy the fame of his client, and never had a work been circulated with more industrious malevolence. The first edition of it was published some time ago, with the decoration only of a broad margin: since that, there has been a second, (the edition upon which the present complaint was founded) somewhat enlarged, and decorated with caricature prints, tending to misrepresent and ridicule the Learned Counsel's client; and that very day had been purchased a third edition; or, at least, a book called a third edition, although it might not be such, as it was very well known in the bookselling trade that sometimes a 14th edition was announced of a book, of which fourteen copies had not been sold at all. Since the publication of this work, and pending the present action, the work had been circulated with the same malevolent extensiveness, the proprietors taking care to advertise it in all the periodical publications whose wrappers they could command; and in one of these periodical publications, Sir John Carr was represented as ill-advised enough to put himself upon his country for the redress of the present libel, and the issue of the cause was very indecorously anticipated, Sir John Carr being, forsooth, to be laughed out of Court. The Learned Counsel then proceeded to read the description of the caricature frontispiece which the work contained, and upon which only he rested his case. An author's literary reputation, he added, was as much to be protected as his social: a man chose to rest his fame upon certain productions of his pen, and this fame was not to be maliciously trifled with.—The Learned Counsel was in general not very fond of pressing special damages; but in the present case the damage of six hundred pounds would be clearly proved; and how much greater an extent of damage Sir John Carr had suffered by the ill sale of his works, it was impossible to ascertain. It would, perhaps, be said in defence to the present action, that there were ridiculous passages

in Sir John Carr's work: be it so, but was he then to be permitted to publish no more? Supposing Mr. Garrow's learned friend, who was to defend this action, had, in the course of his practice, said something ridiculous, as every body was at some time or another liable to make a ridiculous observation (the Learned Counsel did not mean to say he ever had said any thing ridiculous, although he might do it before the present action was over), was he then to be expelled the bar? The Learned Counsel then left the case to his proof and the Jury's verdict.

The purchase of the work was proved, when

Lord ELLENBOROUGH interposed, and said, that if any works were injurious to morals and taste, they ought to be put down. To prevent this was to narrow the limits of free observation and criticism. There was no freedom of the press, if this were not allowable. Locke's attack upon Sir Robert Filmer might as well have been proceeded against as a libel.

Sir Richard Phillips, the bookseller, proved his respective purchases of Sir John Carr's "Northern Summer," for 500l. and his "Stranger in Ireland," and "Tour in Holland," for 600l. each, and a conditional 100l. which he received on the first of these works. He met the defendant upon the publication of the first edition of "My Pocket-Book," who asked him if he had read it; witness told him, he never read scurrility of *that kind*. The publication the witness conceived to have been actively and industriously circulated. He had seen the plaintiff's "Tour in Scotland," in MS. but had declined to purchase it, entirely influenced by the publication of "My Pocket-Book."

The witness, on his cross-examination, said, he knew of the Edinburgh Review, but paid no respect to anonymous criticism; he measured critical merit by his knowledge of the author. The witness also knew of the Annual Review. He was himself the publisher of the late Oxford Review, and of a work called Public Characters. He had not, for many years, affixed to an advertisement of a book its character from the Reviews: he did so when he began business, but he thought the practice dishonourable, and left it off: he grew into virtue as they grew into vice. The witness also knew of the Monthly, the Eclectic, and the Critical Reviews; but he had not within 12 months looked at any Review of the plaintiff's publication. He published the Oxford Review anonymously, that there might be one *honest* Review; but finding a Review of that sort did not succeed, it was dropt.

[Lord ELLENBOROUGH here reminded the witness that he was accusing all the Reviews but *his own* of *dishonesty*, and cautioned him (as he had before done in the course of his examination), against laying himself too open.]

The witness acknowledged he published a work called "Anecdotes of the Founders of the French Revolution;" but added, that that work contained nothing but what its author seemed to him to consider as fact.

Mr. Leigh, of the house of Matthews and Leigh, booksellers, said, that the plaintiff had offered to him his Scottish Tour, but that he had declined publishing it, on account of the unfavourable impression which he conceived "My Pocket-Book" had made upon the public mind. He would otherwise have given 400l. for it.

Lord Mountnorris said, he had read the plaintiff's work, chapter by chapter, with the defendant's travestie, and would have purchased the one, but for the unfavourable impression left on his mind by the other.

Lord Viscount Valentia was then examined to much the same effect.

The ATTORNEY-GENERAL spoke for the defendants. What his Learned Friend (Mr. Garrow) had anticipated in him, something ridiculous, he anticipated in the bringer of the present suit. As to the evidence of Sir R. Phillips, he had either *slipped a little in his testimony, or else he was the weakest person that walked on the surface of the earth without a keeper!* Erasmus would have given any thing for him, when he published his *Laus Moriæ*; or Pope, when he published his *Dunciad*. Sir R. Phillips, a man who ate and drank the success of authors, knowing there were five different Reviews, in which it was certain "The Stranger in Ireland" would be reviewed, and knowing that the success of this book depended upon the impression those Reviews made, never looked into any one of them; because, forsooth, they were *anonymous* and *scurrilous*, and he never suffered *his mind* to be soiled by anonymous scurrility. Were the Jury to believe that Sir R. Phillips was that immaculate character he pretended to be? He admitted he was the publisher of the "Public Characters and the Anecdotes of the French Revolution," a book which every body knows was full of scurrility. But these *anecdotes* were, as he *conceived, believed to be facts* by the person who wrote them!—Anonymous Reviews the witness seemed to hold in the greatest abhorrence: and yet *he himself published an anonymous Review*, called the "Oxford," which he did, he said, that there might be at least one *honest* Review; thus consigning all the rest, the "Edinburgh" and all, to which the public had been used to look with respect, to the same condemnation. He told the Jury, too, that he never looked at "My Pocket-Book;" and yet, that it was in consequence of that work that he refused to give the plaintiff 700l. for another tour, with which he was then prepared. Every man who sent a book out into the world, sent with it a right for every other man to deal with it as he thought proper, and if it deserved success, in God's name, let it gain it. But if its only merit was its hot-press or its margin, that fair spirit of criticism, which opened the public eye to the truth, deserved the thanks of the public, and not the litigation of the party.

Lord ELLENBOROUGH thought he had better state at once the principles upon which he conceived this action could not be maintained. Every person had an undoubted right, upon the publication of any work, to form a judgment upon that work, and to write a comment upon it, or an answer to it; and if he thought the work too pompous and solemn, he might ridicule both it and its author, so far as he was identified with his work. If the work were written in bad taste, he might, moreover, do his utmost to put it down. The Noble and Learned Judge, however, spoke this without any prejudice to the works of Sir John Carr, with which he was not acquainted; they might be very valuable, and written in the best taste. Had not Descartes been written down, where had been Newton? and had not Locke a right to put down Sir Robert Filmer? There was nothing more nauseous than vapid and unsound literature, and that gentleman deserved well of the republic of letters, who attempted to annihilate it.—This suppression might be a loss to the author; but it was *damnum absque injuriâ*, if that loss was the result of fair criticism. The Noble and Learned Judge knew nothing that more threatened the liberty of the press, than the maintenance of such an action as the present: if the book animadverted upon any thing foreign to the author's work, or to himself in that character of an author, in which a book of travels especially introduced him to the public notice, then was an action maintainable; but if the plaintiff here had described his regret at leaving Ireland, introducing us thus to his own feelings, any other man had a right to finish the picture he had begun. If the defendants here had another object, and attacked the plaintiff as a member of society, or in any other capacity than that of an author, the plaintiff was then, and then only, justified in his action.—Verdict for the defendants.

Wednesday, July 27.

GREGSON *v.* M'TAGGART.

This was an action brought by Mr. Gregson, an eminent Attorney, against Mr. M'Taggart, merchant, of Broad-street, for criminal conversation with the plaintiff's wife. Our readers will recollect that Mr. Gregson had already obtained a verdict in a similar action against his coachman,

some months since, on which occasion it was proved that Mrs. Gregson was an abandoned wanton, who had given way to the gratification of her loose passions even with her menial servant.

It was contended in this case, that the defendant, Mr. M'Taggart, who is a widower, and had a country house at Low Layton, near that of the plaintiff, with whom he was on terms of intimacy, had been the *first* seducer, and consequently, from his station in life and fortune, ought to be compelled to make ample reparation for his want of honour and morality. The ATTORNEY GENERAL indeed asserted, that it was a consequence of this first seduction that Mrs. Gregson had become so degraded as to submit to the embraces of her coachman; and that if the defendant had been so base as to seduce the wife of his friend, in whose house he was admitted to all the rights of hospitality, he should be made to pay in proportion to his opulence, as an example to others. The defendant, said the Attorney-General, is not a young man who could plead the heat and impetuosity of youth, and therefore he must be considered as a cold, a calculating, and a scheming seducer. He was a father too, and certainly owed his children a more virtuous example.

Witnesses were then examined. They were chiefly the servants of the plaintiff, who proved the familiar intercourse which existed between the defendant and Mrs. Gregson, who used to receive him privately, in the absence of her husband in town, when more than suspicions of an improper intercourse were excited, by the parties being seen to retire to the most private parts of the house and grounds, and the defendant having been frequently seen embracing and kissing Mrs. Gregson, on his taking his leave in the evening, which was generally but a short time previous to the return of her husband. Mrs. Gregson used also to send letters to Mr. M'Taggart by her servants.

Mr. DALLAS, as he always does, made a most ingenious speech for the defendant, in which he contended for his innocence, on the ground of insufficient proof. His client had lost the society of his wife, which might have induced him to seek that of Mrs. Gregson, but without the slightest intention to violate the precepts of virtue: he might have been *imprudent*, but certainly there was no proof of his criminality.

Lord ELLENBOROUGH summed up, and remarked upon the extraordinary behaviour of the defendant in usually quitting the plaintiff's house before his arrival home. It was very singular that having staid till nine o'clock, he could not wait a few minutes longer to see his friend and neighbour. The woman, however, it was evident, had lost all self-respect, all sense of decency and decorum.

The Jury, having retired upwards of two hours, returned a verdict for the plaintiff, with *One Shilling* damages.

A burst of applause ensued.

Lord ELLENBOROUGH—"I will immediately commit the person who has been guilty of that indecency, if he is brought before me. I hope he is in view. Is there any Officer there who saw the man who was guilty of this violation of decorum? Mr. Under Sheriff, I do insist on your having persons to take notice of those who mis-conduct themselves in Court; if not, I shall fine you severely."

Mr. DEPUTY SHERIFF—"My Lord, there are six persons in Court for that purpose at this moment."

Lord ELLENBOROUGH—"Is there any one among them who saw the man who committed the outrage."

One of the Officers—"I did my Lord."

Lord ELLENBOROUGH—"Bring him hither immediately, that I may fine him."

Officer—"My Lord, he is run away."

Lord ELLENBOROUGH—"Why did not you take him into custody?"

Officer—"I did endeavour to catch him, but he ran away before I could do so."

Lord ELLENBOROUGH—"Do you know his person?"

Officer—"No, I do not, my Lord.

Lord ELLENBOROUGH—"I desire a better attention to decorum, or I must set a high fine on the Sheriff—I will not endure this insult to the public administration of justice. Let all the Officers come forward—I shall impose a moderate fine on them, for I must not endure this indecorum."

The Officer who had answered before then came forward, and said there was a number of persons together when the clapping took place, and it was impossible for him to take the person who offended, although he did endeavour.

Lord ELLENBOROUGH—"Then to quicken you I will fine you 5l. for you ought, at the hazard of your own life, to have seized the offender; but if you had brought him in, I should have fined him at least ten times that sum."—The Officer was compelled to pay the fine immediately, or be imprisoned.

His Lordship afterwards observed, he had much rather pay the fine out of his own pocket than be put to the necessity of imposing the fine; he must do it to support the dignity of the Court; but if the Officer should find the Offender between this and next term, he shall receive the fine.

COURT OF COMMON PLEAS.

Monday, July 25.

FLOWERS v. CLAYTON.

The plaintiff is the proprietor of a work called *The Political Review*, and author of many other publications. The defendant is a dissenting minister, and nephew to the plaintiff. The words for which the action was brought were, "that the plaintiff had been guilty of forgery, and that his mother had perjured herself in order to save his life."

It appeared in evidence that the defendant had used words to the effect stated, in speaking of his uncle to a Mr. Flight, a coal-merchant, and a Mr. Palmer. It appeared, however, that he used these words only on the occasion of the witness's asking him whether he had read his uncle's last publication (a work reflecting on the defendant and his family). The defendant replied that he knew his uncle was a very clever man, but he never read his works, as he knew him to be a bad man; that he and his family had already suffered injury enough from the plaintiff, for that he had been guilty of a forgery, which he could prove. The defendant, however, shortly afterwards corrected this expression, by telling the same persons that he found upon inquiry, that his uncle had not been guilty of forgery, but of another crime, that in morality was just as bad; that instead of having forged a power of attorney from his mother, as he had before supposed that he had done, he had gone to his mother with a premeditated lie, and told her, that if she would but transfer her property from one species of stock to another, she would gain a considerable accession to her income. The mother consented, and soon found out that all her stock had been gambled away by the plaintiff in stock-jobbing speculations, and that she was reduced from affluence to poverty. The Defendant, however, at the time, requested that the persons to whom he told those things would not make them public.

It appeared not only from the evidence, but from the statement of the plaintiff's Counsel, that the mother had actually been reduced from affluence to poverty by the stock-jobbing speculations of the plaintiff about twenty years ago.

On the question being left to the Jury, one of the Jurymen asked his Lordship, what damages were necessary to carry costs? and on his Lordship answering that 40s. would carry costs, the Jury found for the plaintiff—Damages 40s.

POLICE.

HATTON-GARDEN.

On Friday several respectable butchers were had up by the *Society for the Suppression of Vice*, charged with selling meat on the Sabbath. They all acknowledged the fact, observing that many of their poor customers had not an opportunity of buying their food at any other time.—They were dismissed on paying the costs. [It is by such conduct the Members of this Society degrade themselves in the public opinion, for they are only known as the tormentors of the poor and wretched. It may indeed be said of the *acting* Members of this Society, that "they must be the weakest men that ever walked without keepers!"]

BOW-STREET.

In consequence of a dispute between an Attorney's Clerk, of the name of M'Craery, and a journeyman taylor, named Macintosh, the latter sent the following challenge:—

"Mr. Mac Craery—You are to come to cholk fairm to morrowe mourning at hafe past six clock, and you bare two harm yourselfe with what-ever you pleaise acept a sworde. "WM. MACINTOSH."

"103, Wardere Strette."

On the evening after the challenge was sent, the landlord of Macintosh applied to Lavender, the officer, to attend at Chalk Farm. Lavender called upon Macintosh to know the cause of his courage failing, when his defence was, that there was a mistake in the time, and that he had been to Chalk Farm an hour before the time he had appointed in his note. The account given by M'Craery for his non-attendance was, that his wife had not given him the challenge till after the time had expired, when he applied at the office for a warrant against the tailor. A difficulty arose in consequence of his not being able to swear to the hand-writing of Macintosh, and on enquiry it turned out that he could not write, and a boy, the son of the landlord, between nine and ten years of age, had written the challenge, by the dictation of Macintosh. The parties have since been reconciled.

On Monday information was received that two Gentlemen were going to fight a duel at Chalk Farm, and Rivett and Adkins were dispatched to take them into custody. The officers could not meet with them in the evening, and went to Chalk Farm in the morning, but no mighty combatants appeared. Upon enquiry it was discovered that they were two foreigners, Sandoz, a journeyman jeweller, and Dubois, a journeyman watchcase-maker. It is supposed that their friends learnt that the officers were in pursuit of them, on Monday evening, got them together, and made them shake hands. The officers, however, apprehended Sandoz, and took him before Mr. Read, who made him give bail to keep the peace.

ACCIDENTS, OFFENCES, &c.

At one o'clock on Friday morning, as the watchman was going his rounds, he discovered a fire in the office of Mr. Cox, copper-plate printer, of Bream's-buildings, Chancery-lane. The office was situated in a narrow place called Bowl and Pin-alley. A small engine reached the scene of alarm and terror shortly after the accident was discovered; and the neighbours kindly and humanely furnished it with water from the little reservoirs which they had for domestic use. Before three o'clock some of the engines belonging to the regular Fire Offices arrived. By their activity and ingenuity in their business, a supply of water was procured from a plug in Chancery-lane, and by four o'clock the whole strength of the flames was subdued. Mr. Cox's office, and the workshop of Mr. Lumley, a carpenter adjoining, were entirely consumed; the Old Swan, Bream's buildings, and several smaller houses received partial injury.

On Thursday evening, as Earl POULETT was taking an airing in his curricle, in Hyde-park, his horses suddenly took fright in Rotten-row, and plunged over the rail, broke from their harness, and ran off very furiously. The Noble Earl was thrown out, and considerably bruised; he was taken up by a Gentleman's carriage passing at the time. The Noble Earl's son was with him, who jumped out, and escaped unhurt.

During the severe storm on Tuesday, a house belonging to Mr. Cheeseman, situated in Broomfield-place, Deptford, and the one adjoining, were particularly struck by the lightning. The electric fluid appeared to come from a southeast direction, and striking the window of Mr. C.'s house obliquely, tore away the frame and sill. In the room it did more considerable damage; tearing away the plastering and ceiling, and otherwise injuring the roof. Mrs. C. sitting in the room, was thrown on the floor by the violence of the shock, but received no other injury than the fright. The adjoining houses experienced a similar shock, and two females in a room were struck to the ground, one of whom, we understand, has not recovered the use of her limbs.

A shocking accident happened on Wednesday morning in the King's-Road, Chelsea, occasioned by the restiveness of a coach-horse in the carriage of Mrs. Hollet, of Piccadilly. The horse had been only twice in harness, and a fly having settled on his loins, he began to kick, and on the coachman applying the whip to him, he became totally unmanageable. The consequence was, the coach-box was knocked in pieces, and the coachman had his leg broken, besides receiving a dangerous kick in the fleshy part of the thigh. He was conveyed away in the carriage in a dangerous state.

An Inquisition was taken on Wednesday, at the Tun, on the Newington-road, on the body of an elderly Lady, of the name of Vanovan, who met her death by accident on the preceding day. It appeared, that the deceased, who was 60 years of age, was crossing the road at dusk in the evening, when she was rode down by a horseman, and so much injured about the head, that she lived but a few hours. There was no blame to be attached to the man who rode the horse, as he pulled up the moment he was warned of endangering the life of the deceased, and in his anxiety to do so, the animal trod with great force.—Accidental Death.

MARRIAGES.

On the 14th inst. at St. Pancras, Warwick Calmady Richardson, Esq. youngest son of John Richardson, Esq. Glamorgan, to Marianne, only daughter of James Walker, Esq. of Conway-street, Fitzroy-square.

In Dublin, Hardinge Giffard, Esq. of Fitzwilliam-street, to Miss Harriet Pennell, second daughter of Lovell Pennell, Esq. of Bagot-street.

On the 12th inst. at Clifton, Staffordshire, Thomas Byng, Esq. of Tamworth, Staffordshire, to Miss Maria Wwyllum, of Clifton.

At Bath, on Thursday se'nnight, Vice-Admiral Sir T. Graves, K. B. to Miss Blacknell, of Parham, Suffolk.

DEATHS.

On Sunday morning, at her brother's house, at Cranbrook, in the 68th year of her age, Mrs. Paine, wife of Thomas Paine, author of "The Rights of Man."

On Saturday se'nnight, at his house, near Blackfriars-road, at an advanced age, Mr. Barthelemon, the celebrated performer on the violin.

On the 2d inst. aged 64, and 38th of his Ministry, the Rev. Robert Arnot, D. D. Minister of Kingsbarns, Professor of Divinity in St. Mary's College, and Rector of the University of St. Andrew's.

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